

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

BRIEF IN SUPPORT OF MOTION TO DISMISS OF DEFENDANT S&R FARM LLC

Defendant S&R Farm LLC (“S&R”) is entitled to dismissal of the claims against it for the same reasons asserted by defendants Ralph Beck and B-Boys, LLC in their Brief in Support of Motion to Dismiss (Dkt. 108).

S&R was a defendant in the Bedford County Circuit Court case that was dismissed with prejudice, and it was named as a defendant in both the original Complaint and the Amended Complaint in the Lynchburg City Circuit Court case which were also dismissed with prejudice. For the same reasons set forth in the Brief in Support of Motion to Dismiss filed by Ralph Beck and B-Boys, LLC, the claims against S&R are barred by the doctrine of *res judicata*. (Dkt. 108, pp. 2-13.)

Similarly, the claims against S&R fail because they are based on the erroneous premise that the “Option Agreement” and/or the *lis pendens* filed by Rivers somehow created a “lien” that would preclude the transfer of properties purportedly affected properties. This claim is incorrect for all of the reasons set forth in the Brief in Support of Motion to Dismiss filed by Ralph Beck and B-Boys, LLC (Dkt. 108, pp. 13-14).

S&R incorporates by reference all of the arguments and authorities contained in the Brief in Support of Motion to Dismiss filed by Ralph Beck and B-Boys, LLC (Dkt. 108) and Exhibits A through L to that Brief.

Respectfully submitted,

S&R FARM LLC

By: /s/-Erin B. Ashwell
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Counsel for S&R Farm LLC

CERTIFICATE OF SERVICE

I certify that on September 26, 2019 a copy of the foregoing was served on counsel of record via the CM/ECF system and that a copy was served via United States mail on Crystal Rivers at P.O. Box 1182, Forest, VA 24551.

/s/-Erin B. Ashwell

WOODS ROGERS PLC
ATTORNEYS AT LAW